

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARRYL WILLIAM YOUNG,

Petitioner,

v.

ROB MCKENNA, *et al.*,

Respondents.

CASE NO. C05-1746-RSL-MJB

ORDER GRANTING PETITIONER'S
MOTION FOR RECONSIDERATION;
DIRECTING SERVICE OF
§ 2241 PETITION

Petitioner is a federal prisoner who has filed a *pro se* petition for habeas corpus pursuant to 28 U.S.C. § 2241. On November 29, 2005, the court dismissed this case for petitioner's failure to pay the filing fee. (Doc. #4). However, petitioner has submitted a motion for reconsideration demonstrating that in fact his mother paid the filing fee. (Doc. #5). Therefore, the court GRANTS the motion for reconsideration and the Clerk shall reopen this case. In addition, the court does hereby find and ORDER as follows:

(1) The Clerk shall arrange for service upon respondents – the Washington State Attorney General and Warden Charles Daniels – of copies of the petition, of all documents in support thereof, and of this Order by registered or certified mail, return receipt requested. The Clerk shall also direct a copy of this Order to petitioner.

(2) Within **thirty (30) days** after such service, respondents shall show cause why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. § 2243.

1 As a part of such return, respondents should state whether an evidentiary hearing is necessary and
2 shall submit a memorandum of authorities in support of that position. Respondents shall file the
3 return with the Clerk of the Court and serve a copy upon petitioner.

4 (3) **On the face of the return, respondents shall note it for consideration on the**
5 **fourth Friday after it is filed, and the Clerk shall note the return accordingly.** Petitioner
6 may file and serve a response not later than on the Monday immediately preceding the Friday
7 designated for consideration of the matter. Respondents may file and serve a reply brief not later
8 than the date designated for consideration of the matter.

9 (4) The Clerk shall direct a copy of this Order to the Honorable Monica J. Benton.

10 DATED this 13th day of December, 2005

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13 Robert S. Lasnik
United States District Judge

14 Recommended for Entry
15 this 12th of December, 2005

16 /s/Monica J. Benton
17 MONICA J. BENTON
United States Magistrate Judge